

REMARKS

I. Introduction.

Claims 1-19 are pending and stand rejected. Claims 1-19 were rejected under 35 U.S.C. Section 103(a).

II. Rejections Under 35 U.S.C. § 103

A. Rejection of Claims 1-13, 15, and 17-19.

Claims 1-13, 15, and 17-19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 5,403,548, Aibe, et al. in view of U.S. Patent 5,772,959, Bermas.

The Office Action states that with respect to Claims 1, 9, and 11 that it would have been obvious to utilize the teachings of Bermas and Aibe, et al. in order to maximize the rate of deodorization inside refrigerators by combining passive and active deodorizers.

Applicants respectfully request that this rejection be reconsidered and withdrawn. Claim 1 has been amended to claim an embodiment in which the filter member is a forced air filter member, and the air moving member draws air through at least a portion of said sodium bicarbonate-containing filter medium. The combination of references cited do not contain any disclosure of a device in which air is forced through a sodium bicarbonate-containing filter medium.

Claims 2-5 and 17-18 are either directly or indirectly dependent from Claim 1, and for the reasons set forth above, are nonobvious over the Aibe, et al. reference.

Further, with respect to Claim 5, ⁽¹⁾neither reference discloses the use of sodium bicarbonate in a filter member that is sufficiently pervious to air so that said fan can convey air through said filter member. They disclose the use of other materials, namely activated carbon, in a form through which air can pass. While it is acknowledged that sodium bicarbonate has been used for deodorizing refrigerators, ~~it is usually provided in a dense powder form which does not permit the passage of air therethrough.~~ ⁽²⁾ The references do not add a teaching that addresses this deficiency in the prior art uses of sodium bicarbonate. The Applicant expressly disagrees with the statement on page 7 of the Office Action that "one skilled in the art would have been motivated to modify Aibe's apparatus to include a known deodorizer such as sodium bicarbonate in granular form such that it is sufficiently pervious" ⁽³⁾

for the system to operate. In order to establish a *prima facie* obviousness rejection, the Examiner has to point to some teaching or disclosure in the references of the desirability of making the asserted modification. Here, there is none.

With respect to Claim 18, the disclosure of the gas inlet and outlet being disposed in any position in the casing in Aibe, is not a teaching or disclosure of any particular shape, but is rather a disclosure of a possible positional relationships. There is absolutely no teaching or disclosure of the interfacing parts of a filter member and an air moving member having complementary hemispherical shapes. (4)

With respect to the discussion of the rest of the claims enumerated in this rejection, the Applicants incorporate the arguments in their previous Amendment in response thereto.

B. Rejection of Claims 14 and 16.

Claims 14 and 16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 5,403,548, Aibe, et al. in view of U.S. Patent 5,772,959, Bermas and further in view of U.S. Patent 5,288,306, Aibe, et al.

The Office Action states that Aibe, et al. '306 teaches multiple filter members that can be used interchangeably, and that it would have been obvious to "modify the method and apparatus of Aibe to include multiple filter members since utilizing a plurality of filter members having varying adsorbent affinities for malodorous components, even a gas containing many kinds of malodorous or toxic components can be efficiently eliminated." (5)


Claim 14 is dependent from Claim 11. In order to establish a *prima facie* obviousness rejection, the Examiner has to point to some teaching or disclosure in the references of the desirability of providing a first filter member that at least partially comprises sodium bicarbonate that is sufficiently pervious to air so that an air moving member can convey air through the first filter member, and positioning a second filter member inside a confined space independent of the first filter member. Again, there is none. (6)

Claim 16 has been amended to make it clear that the substance being emitted into the atmosphere is distinct from deodorized air. The Examiner has not pointed to any teaching in any of the references that discloses a device that emits a substance that is distinct from deodorized air. (7) ?

III. Summary.

In view of the foregoing, reconsideration of the application and allowance of all claims are respectfully requested.

Respectfully submitted,
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